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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,571	03/29/2001	Henry Tien Lo		6389
7590	04/29/2004		EXAMINER	
Henry Tien Lo 5010 Indian River Drive Apt 32 Las Vegas, NV 89103			COLLINS, DOLORES R	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/823,571	LO, HENRY TIEN
Examiner	Art Unit	
Dolores R. Collins	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb in view of Kadlic and further in view of Lo.

Webb discloses a Method For Playing Double Hand Card Games.

Regarding claims 1, 2 & 4-20

Webb teaches a card game with a plurality of players (see abstract); providing and shuffling at least one standard poker deck of cards and at least one joker (see abstract); each player placing at least one bet (see abstract and claim 2); dealing six card hands to player and dealer (claim 1) and resolving games and wagers (claims 16 & 17). Webb fails to explicitly teach that cards are discarded.

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Kadlic discloses the game American Canasta. His game teaches cards being discarded.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the game of Webb to include the discarding of unwanted cards in order to provide additional opportunities for the players.

Both Webb and Kadlic fail to teach wagers being placed on specified bets.

Lo discloses Card Game. His game teaches the limitation that both Webb and Kadlic fail to teach, i.e., wagers being placed on specified bets.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add this feature to the modified game of Webb in order to add excitement to the game for the players.

Additionally, Webb teaches predetermined winning tables and payoff amounts. Webb, however, fails to teach the identical predetermined schedules as outlined in the limitations of claims 4-21.

Predetermined winning tables of outcomes and payoff amounts are well known in the art. It would be an obvious matter of design choice to make the predetermined tables/schedules as desired.

Regarding claims 3 & 21

Webb teaches the use of a standard pack plus wild indicia, which could be jokers (see abstract and col. 3, lines 41-43).

Webb fails to explicitly teach a specific number of jokers as wild card.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to duplicate the number of jokers available used since a wild indicia is required for each player and the dealer in this game. A mere duplication would present little or no difficulty to one of ordinary skill in the art.

Response to Arguments

Applicant's arguments filed 2/12/04 have been fully considered but they are not persuasive. By applicants own admission, in his comparative analysis found on pages 2-7, there is no difference between applicant's invention, as claimed, and the cited references alone and/or in combination. Applicant's differences seemed to be based on the player's feelings as a result of the method of play.

Referring to point number 1 in applicant's remarks, applicant agrees that Webb overcomes the limitation(s). Applicant further agrees that the limitation is "common teaching". Referring to point number 2, again applicant agrees that the limitation is met but the player's feelings are not the same. Referring to point number 3, applicant agrees that the limitation of specific wagers is met by the cited reference but objects because the wagers in the cited reference(s) are not identical to those in his invention. Examiner feels that the references in combination certainly overcome this limitation. Referring to point number 4, applicant indicated that the reference to Webb teaches more than the six cards being dealt in claim 1. The wild indicia used by player/dealer is not dealt to that individual as is required by applicant's invention. Referring to point number 5, examiner maintains that game resolution, predetermined winning tables and payoff amounts are well known in the art. The references to Kadlic and Lo and both used in combination with Webb and not as stand alone references.

Applicant indicated, in the last line of page 4, that his invention "as now claimed" is neither shown nor suggested by Webb. Examiner wishes to point out that applicant has not submitted any amendments to the claims in response to the previous office action therefore his claim remains the same as previously submitted. Applicant concludes his argument by stating the objective of his invention. This objective however is not explicitly claimed in applicant's invention.

In conclusion, the limitations of applicant's invention, as claimed, do not seem to overcome the cited references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wisted (415) & (524), Goldman, Miller, Marquez, English,

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Breeding and Scott et al. are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(703) 308-8352**. The examiner can normally be reached on 9:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **DERRIS BANKS** can be reached on **(703) 308-1745**. The fax phone numbers for the organization where this application or proceeding is assigned are **(703) 305-3579** for regular communications and **(703) 305-3579** for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 308-1148**.



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700



April 26, 2004